APPENDIX A

Order of the Supreme Court of Pennsylvania Denying Petition for Allowance of Appeal

(Filed-March 25, 1982)

SUPREME COURT OF PENNSYLVANIA
Eastern District

DOCKET NO. 642 E.D. Misc. Docket 1981

At a Stated Term of the Supreme Court of Pennsylvania, in and for the Eastern District, held at City Hall, in the City of Philadelphia, on the twenty fifth day of March, one thousand nine hundred and eighty two.

Present:

Per Curiam

GEORGE MILLER,

Petitioner,

v.

COMMONWEALTH OF PENNSYLVANIA,

Respondent.

Appendix A

This is to advise you that the following Order* has been endorsed on the Petition for Allowance of Appeal, filed in the above captioned matter:

"March 25, 1982.

Petition Denied.

Per Curiam."

Marlene F. Lachman, Esq.
Prothonotary

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*N.B. No opinion was filed by the Court.

APPENDIX B

Order endorsed on the Petition for Allowance of Appeal by the Supreme Court of Pennsylvania for the Eastern District

(Filed-March 25, 1982)

SUPREME COURT OF PENNSYLVANIA
Eastern District

DOCKET NO. 52 E.D. Allocatur Docket 1982

At a Stated Term of the Supreme Court of Pennsylvania, in and for the Eastern District, held at City Hall, in the City of Philadelphia, on the twenty fifth day of March, one thousand nine hundred and eighty two.

Present:

Per Curiam

GEORGE MILLER,

Petitioner,

v.

COMMONWEALTH OF PENNSYLVANIA,

(3a) Respondent.

Appendix B

This is to advise you that the following Order* has been endorsed on the Petition for Allowance of Appeal, filed in the above captioned matter:

"March 25, 1982.

Petition Denied.

Per Curiam."

Marlene F. Lachman, Esq.
Prothonotary

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*N.B. No opinion was filed by the Court.

APPENDIX C

Rule Involved

Pennsylvania Rule of Criminal Procedure No. 133(B) "Private Complaints" provides as follows:

> (1) When the affiant is not a police officer as defined in Rule 51(C) and the offense(s) charged include(s) a Misdemeanor or felony which does not involve a clear and present danger to any person or to the community, the complaint shall be submitted to the attorney for the Commonwealth, who shall approve or disapprove without unreasonable delay.
>
> (2) The form of the complaint shall be identical to that set forth in part (A) of this Rule, except that the following shall appear above the caption on the first page:
>
> PRIVATE COMPLAINT
>
> DISTRICT ATTORNEY'S OFFICE
>
> ☐ Approved
>
> ☐ Disapproved because: _____
>
> _____
>
> _____
>
> DATE SIGNATURE
>
> (3) If the attorney for the Commonwealth

(i) approves the complaint, he shall indicate his decision on the complaint form and transmit it to the issuing authority.

(ii) disapproves the complaint, he shall state his reasons on the complaint form and return it to the affiant. Thereafter the affiant may file the complaint with a judge of a Court of Common Pleas for approval or disapproval.

(iii) does not approve or disapprove within a reasonable period of time, the affiant may file the complaint on a separate form with the issuing authority, noting thereon that a complaint is pending before the attorney for the Commonwealth. The issuing authority shall determine whether a reasonable period has elapsed, and, when appropriate, shall defer action to allow the attorney for the Commonwealth an additional period of time to respond.

Comment: The district attorney may 'transmit' the complaint to the issuing authority pursuant to subparagraph (B) (3) (i) by returning it to the affiant for delivery.

Rule 105 adopted Jan. 31, 1970, effective May 1, 1970; renumbered as Rule 133 and amended Sept. 18, 1973, effective Jan. 1, 1974; amended Jan. 23, 1975, effective Sept. 1, 1975.